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DEPARTMENT FOR WHA/CEN
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SUBJECT: PANAMA OUSTS CONTROVERSIAL HUMAN RIGHTS OMBUDSMAN

REF: PANAMA 751

¶1. (U) The National Assembly voted June 29 to remove from office controversial Human Rights Ombudsman Liborio Garcia, who had been under fire from women's and civic groups for a 2004 domestic violence incident. In a near unanimous vote, the Assembly found Garcia in violation of the Ombudsman's law prohibiting involvement in partisan politics and commercial activities. Of the 76 legislators present, 75 voted in favor of dismissal, with one abstention. The Assembly rejected an opposition proposal to let Garcia address the charges against him, which would allow Garcia to appeal the vote at the Supreme Court. (Comment: Garcia may appeal the vote, but such cases generally take years to resolve. Given the controversial nature of this case, the Supreme Court is unlikely to act quickly on it. End Comment.)

¶2. (U) Garcia's three-month tenure as Ombudsman was marked with controversy. A former maritime lawyer, Garcia lacked the human rights experience of his two predecessors, leading to speculation (see reftel) that Garcia received the nomination because of his ties to President Torrijos. When the domestic violence charge surfaced, Garcia refused to step down, calling it a "private" matter. Garcia later appeared in public at a partisan political event, a flagrant violation of the Ombudsman's law. He also remained on the registries of several commercial ventures and corporations, another violation of the law.

¶3. (U) Panama's human rights commission will begin the search for Garcia's successor in September. In the interim, the position will be filled by deputy Ombudsman Monica Perez, an active member of the PRD with some experience in human rights issues. The new Ombudsman is expected to be chosen before the end of the year.

¶4. (U) Garcia's removal is a victory for the women's groups nationwide that united in an effort to oust him. Without the constant pressure of the women's groups, including from the First Lady, to keep the issue alive, the GOP may well have been complacent to let him remain in office. (Comment: Many contacts told Pol Offs that if the removal vote had been by secret ballot, Garcia would not have been dismissed. End

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Comment.) Garcia's removal is also a relief for President Torrijos, who had been criticized for his selection of Garcia. The rare presence of nearly the entire 78-member Assembly at the June 29 session suggests that the government made a serious effort to organize itself on this issue.

15. (U) In the long term, Garcia's removal may help to rebuild the credibility of the Ombudsman's office and be a positive step toward improving good governance in Panama. The public's respect of the Ombudsman's office, which investigates and points out lack of transparency, had eroded with Garcia's tenure. Whether the Assembly's action was rooted in political expediency or lip service to women's rights, the removal of Garcia is a hopeful step toward improving human rights and transparency in Panama.

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